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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,231	12/20/1999	TOSHIHIKO MUNETSUGU	32161	2093

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/467,231

Applicant(s)

MUNETSUGU ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 55-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 55-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is responsive to the following communications: Amendment filed 03/25/2005 to the original application filed 12/20/1999.
2. Claims 55-82 are currently pending in this application. Claims 1-54 have been cancelled. Claims 55, 61, 67, and 75 are independent claims.
3. Applicant's argument to the double patenting rejection set forth in the previous office action is acknowledged. Upon further review by the examiner, the double patenting rejection is withdrawn and a proper double patenting rejection is provided.

***Specification***

4. The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. CIT. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

1982); In re Uogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. ' 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Pending claims 55-82 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of copending Application No. 10/733,981 (hereinafter '981). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:

**In regarding to pending independent claims 55, 61, 67, and 75, claims 1, 9, 17, and 27 of '981' teach substantially the same limitations as taught in pending independent claims 55, 61, 67, and 75.**

Claims 1, 9, 17, and 27 of '981' do not specifically teach that the scores are "inputted". However, since claims 1, 9, 17, and 27 '981' teach "an input means for inputting content description ...", it would have been obvious to one of ordinary skill in the art at the time the invention to allow other aspects of the apparatus, including scores, to be

inputted as well, providing the benefit of increased customization as applied to the various data involved.

Claims 1, 9, 17, and 27 of '981' do not specifically teach importance based on "context". However, claims 1, 9, 17, and 27 of '981' teach importance based upon a "viewpoint". Since a person's viewpoint is based at least in part upon the context involved, it would have been obvious to one of ordinary skill in the art at the time of the invention to interpret a viewpoint as such (i.e. associated with, and dependent upon, context), providing the benefit of increased accuracy of analysis.

**In regarding to pending dependent claims 56-60, 62-66, 68-74, and 76-82, claims 2-8, 10-16, 18-26, and 28-36, repeatedly, teach substantially the same as pending claims 56-60, 62-66, 68-74, and 76-82.**

This is provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patent.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 55, 57-61, 63-67, 69-75, and 77-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mauldin et al.** (U.S. 5,664,227, issued 09/1997).

**In regarding to independent claim 61:**

- a. Mauldin teaches a data processing apparatus comprising:
- (i) inputting content description data describing plurality of segments in which each of said plurality of segments represents a scene of media content constituted by a plurality of scenes (*the video data 20 is input into an image process function ...then segmenting that digitalized video data into paragraph based on content; col.5, lines 16-29 and Fig.2, element 18 and 20*); and
  - (ii) selecting one of said plurality of segments (*selecting representative frames from each of the video segments; col.3, lines 21-31/ the selection of video segments; col.5, lines 10-15*).
- b. Mauldin does not specifically teach *inputting scores that are attribute information of the media content representing degree of relative importance of each of said plurality of segments based on context of the media content* as claimed. However,

Mauldin suggests keywords contained in the corresponding transcribed audio data are identified as described in Abstract, col.7, lines 32-44, col.8, lines 5-14, col.9, lines 11-12, and 47-48.

- c. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied Mauldin's teachings to include "*inputting scores that are attribute information of the media content representing degree of relative importance of each of said plurality of segments based on context of the media content*" because it would have provided the capability for performing high speed scans of digital video segments by presenting quick representations of scenes.

**In regarding to dependent claim 63:**

Mauldin teaches the content description data includes supplemental information (*col.5, lines 60-64*).

**In regarding to dependent claim 64:**

Mauldin teaches the media content corresponds to video data and/or audio data (*element 18 and 20 in Fig. 2*).

**In regarding to dependent claim 65:**

Mauldin teaches each of the plurality of segments is provided with linkage information for linking to dominant data that presents the segment (*col.8, lines 15-25*).

**In regarding dependent claim 66:**

Mauldin teaches the dominant data is text data, image data and/or audio data (*col.4, lines 53-67*).

**In regarding to independent claim 55:**

It is directed to a data processing apparatus for performing the method of claim 61, and is similarly rejected under the same rationale.

**In regarding to dependent claims 57-60:**

They include the same limitations as in claims 63-66, and are similarly rejected under the same rationale.

**In regarding to independent claim 75:**

The rejection of independent claim 61 above is incorporated herein in full. Additionally, Mauldin further teaches a plurality of scenes that are marked off by time according to scene boundary *(to identify segment boundaries, the image processing function 231 locates beginning and end points for each shot, scene, conversation, or the like by applying machine vision methods the interpret image sequences; col.5, lines 16-29).*

**In regarding to dependent claims 77-80:**

They include the same limitations as in claims 63-66, and are similarly rejected under the same rationale.

**In regarding to dependent claims 81-82:**

Mauldin teaches the time information includes a starting time and ending time of each the plurality of scenes *(scenes begin and end; col.8, lines 45-58 / time stamp 233 & 229 in Fig.2).*

**In regarding to independent claim 67:**

It is directed to a data processing apparatus for performing the method of claim 75, and is similarly rejected under the same rationale.



**In regarding to dependent claims 69-74:**

They include the same limitations as in claims 77-82, and are similarly rejected under the same rationale.

9. Claims 56, 62, 68, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mauldin et al.** in view of **Ozsoyoglu et al.** "Automating the Assembly of Presentation from Multimedia Databases", issued 1996.

**In regarding to dependent claims 56, 62, 68 and 76:**

- a. Mauldin does not specifically teach "the plurality of segments are hierarchically."
- b. Ozsoyoglu teaches the plurality of segments are hierarchically described (*e.g., each segment in the multimedia is denoted by a node; page 595, left column & Figs.3.1 & 3.2*).
- c. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ozsoyoglu and Mauldin because Ozsoyoglu's teachings would have provided the capability for efficiently organizing the segments of multimedia contents.

***Response to Arguments***

10. Applicant's arguments filed 03/25/2005 have been fully considered but they are not persuasive.

- a. After further review of the claimed limitations in light of the prior art, the examiner has determined that the previously cited base reference does fully meet the claim limitations as set forth supra. The rejection of claims 55, 61, 67, and 75 contain a detailed mapping of each element in the claim with its equivalent component taught in Mauldin's prior art.
- b. Applicant argues that *there is no suggestion in any references of inputting any data including "scores" as cited in the claims.* (Remarks, page 3, 2<sup>nd</sup> full para.)
- c. In response, Mauldin's teachings "keywords contained in the corresponding transcribed audio data are identified as described in Abstract, col.7, lines 32-44, col.8, lines 5-14, col.9, lines 11-12, and 47-48" meets the limitations as claimed by Applicant.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Balogh et al.	U.S. Patent No. 5,493,677	issued: Feb. 20, 1996
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Morgan et al.	U.S. Patent No. 5,717,879	issued: Feb. 10, 1998
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MN

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
6/7/2005